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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539
2352	7590	03/14/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			VERBITSKY, GAIL KAPLAN	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,600

Applicant(s)

CAMENZIND ET AL.

Examiner

Gail Verbitsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,8,9,11,13,14,23,25 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,8-9,11,13,14,23,25 and 41-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of arguments (February 16, 2006) with respect to the priority of the prior art, the finality of the previous Office Action is hereby withdrawn. The prosecution is re-opened.

### ***Specification***

2. The amendment filed on August 09, 2005 and February 16, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: it appears that the "electronic" (digital scale), as claimed by applicant, has not been described in originally filed claims and specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 41-48, 51 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S.4854045) in view of Vinci, McIntosh and Helberg (U.S. 6043438).

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one measuring and display device/ LCD 21 for displaying a

sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two cover plates and a casing connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module, batteries, entry keys (menu device/ keypad) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number (plurality) of measuring devices contained in the modules. This would imply, that Schaub suggests measuring a plurality of values. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator, it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and converters are parts of the calculators.

Although Schaub clearly suggests having a sensor unit and measuring plurality of values, Schaub is silent so as of measuring physical values and a plurality of sensors sensing/ measuring a plurality of physical values, as stated in claim 41, in combination with the remaining limitations of claims 41-48 and 51.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a

plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to have an electronic scale: Helberg teaches to have scale/ weighing hook with an electronic display. This would imply, that there is a conversion circuit converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub, Vinci and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

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5. Claim 49 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, McIntosh and Helberg as applied to claims 41-48, 51 above, and further in view of Tymkewicz.

Schaub, Vinci, McIntosh and Helberg disclose the device as stated above.

They do not teach the limitations of claim 49.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device

6. Claims 2, 3, 8, 11, 13-14, 23 and 50 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub in view of Vinci, Kuhn (U.S. 2914850) and Davis et al. (U.S. 6298336) [hereinafter Davis].

Schaub and Vinci disclose the device as claimed by applicant (see combination in paragraph 2) with the exception of the access control member and access control circuit, as stated in claims 23 and 50, with the remaining limitations of claims 2, 3, 8, 11, 13-14, 23 and 50.

Kuhn discloses a pocketknife wherein an opening for keys (key chain) 16 is inseparable/ integral part of a pocketknife. This would imply that a key could be attached to the opening and would, at least for some time, become a part of the pocketknife.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and Vinci, so as to have a pocketknife having an opening for a key, as taught by Kuhn1, so as to attach key(s) to the pocketknife, and thus, eliminate an extra key chain used by the user for the keys.

Davis teaches a smart ATM card/ key (access control member with access control circuit) to emit a signal for accessing a (any) bank/ store (any institution). Davis teaches to keep the card on a key chain. In a broad sense, it is considered, that Davis can wear the card/ key on any key chain including a key chain, which is a part of another device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to have an access control module having an access control circuit included in the device by attaching it to the key chain which is a part of the device, disclosed by Schaub, Vinci and Kuhn1, in order to make the device instantly available to the user.

7. Claim 25 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, Kuhn1 and Davis as applied to claims 2, 3, 8, 11, 13-14, 23 and 50 above, and further in view of Tymkewicz.

Schaub, Vinci, Kuhn1 and Davis disclose the device as claimed by applicant.

They do not teach the limitations of claim 25.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, Vinci, Kuhn and Davis, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the longevity of the device.

8. Claim 9 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub, Vinci, Kuhn and Davis as applied to claims 2, 3, 8, 11, 13-14, 23 and 50 above, and further in view of McIntosh.

Schaub, Vinci, Kuhn and Davis disclose the device as claimed by applicant with the exception of the weighting device.

McIntosh discloses in Fig. 7 a device in the field of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocketknife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weight scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, Vinci, Kuhn and Davis, so as to provide the user with a weighing device usable for weighing food/ fish during a camping.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant states that Helberg is not a prior art.



This argument is not persuasive because the PCT application, the Applicant refers as a priority application, does not describe an electronic or digital scale.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

**Liu (U.S. 5652587)** teaches that a knife can be combined/ integral with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

Any inquiry concerning this communication should be directed to the Examiner Verbitsky who can be reached at (571) 272-2253 Monday through Friday 8:00 to 4:00 ET.

GKV

Gail Verbitsky  
Primary Patent Examiner, TC 2800



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